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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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10/22/02 10/22/02 10/22/02

10/22/02

EXAMINER

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ART UNIT	PAPER NUMBER
3725	29

DATE MAILED:

09/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No. <b>08/669,313</b>	Applicant(s) <b>Toshiaki Kanemitsu et al.</b>
Examiner <b>Lowell A. Larson</b>	Group Art Unit <b>3725</b>

Responsive to communication(s) filed on June 26, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

Claim(s) 5, 6 and 8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 8 is/are allowed.

Claim(s) 5 and 6 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### *Continued Prosecution Application*

1. The request filed on June 26, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/669,313 is acceptable and a CPA has been established. An action on the CPA follows.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 102*

3. Claim 5 is again rejected under 35 U.S.C. 102(b) as being anticipated by Kanemitsu et al. Applicant's remarks in the papers filed have been carefully considered but are not found to be persuasive. In particular, Applicant's observation that the only disclosure regarding Figure 4 of Kanemitsu et al. is found in column 5, lines 50 to 54 is demonstrably erroneous. As previously pointed out to Applicant, in column 2, lines 65 and 66, Kanemitsu et al. states that the workpiece may first be prepared as the cup-shaped member shown in Figure 4. Thus, the Kanemitsu et al. disclosure is unequivocal that either the flat plate of Figure 3 or the cup-shaped plate of Figure 4 may be subjected to the flange forming sequence shown in Figures 2 (A)-(D).

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***Claim Rejections - 35 USC § 103***

4. Claim 6 is again rejected under 35 U.S.C. 103(a) as being unpatentable over Kanemitsu et al.

This claim requires the flange to be inclined relative to the base plate. The particular profile of the flange is considered to be an obvious exercise of mechanical design depending only on the characteristics desired in the product, and not a patentable distinction absent a disclosure of criticality in the solution of stated problems with the provision of a specific combination of flange profile and shaping sequence.

***Conclusion***

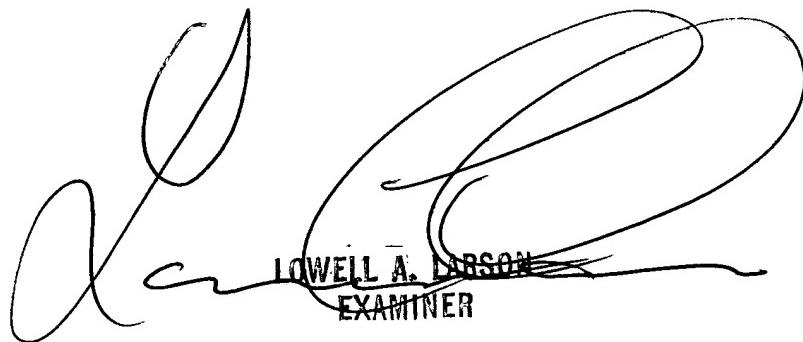
5. This is a continuing prosecution application of applicant's earlier Application No. 08/669,313. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the undersigned Examiner whose telephone number is (703) 308-1873 and fax number is (703) 305-9835 (draft papers) or (703) 305-3579 (formal papers).



A handwritten signature in black ink, appearing to read "LAL". Below the signature, the name "LOWELL A. LARSON" is printed in a standard font, followed by "EXAMINER" in a slightly smaller font.

LAL

August 3, 2000